

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27038 of 2022

Arising Out of PS. Case No.-382 Year-2021 Thana- RAJAOLI District- Nawada

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Ajay Singh S/O Late Kuleshwar Singh R/O Village- Takula Tand, P.S.-
Rajouli, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar, Advocate
For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-08-2022 Heard Mr. Man Mohan Kumar, learned counsel appearing
on behalf of the petitioner and learned APP for the state.

Petitioner seeks application for grant of bail to the
petitioner who is in custody in connection with Rajouli P.S. Case No.
382 of 2021 registered for the offence under section 30(a) if the
Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, it is alleged that police on a
secret information, some person is carrying illicit liquor on
motorcycle, raided the place of occurrence however, it is alleged that
on noticing the police, the rider of the motorcycle fled away and on
search 10 liters country made Mahua Liquor was recovered.

The learned counsel appearing on behalf of the petitioner
submits that the name of the petitioner has been disclosed by spy of
the police and save and except the disclosure made by the spy, there
is no other material which suggests the complicity of the petitioner.



It is next submitted that nothing has been recovered from person and possession of the petitioner nor he was arrested at the spot. It is further submitted that only account of past criminal antecedent of the petitioner his name has been implicated in this case and he is in custody since 16.02.2022.

On the other hand, learned counsel for the state opposed the bail application and submits that the petitioner has multiple criminal antecedent. In response to the aforesaid submissions, learned counsel for the petitioner submits that the petitioner is on bail in all the cases

Having regard to the submissions made on behalf of the parties and considering the fact that the petitioner was neither arrested at spot nor any incriminating material was recovered and he is in custody since 16.02.2022 and the investigation of the crime has already been completed and the charge-sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Court, Nawada in connection with Rajouli P.S. Case No. 382 of 2021 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial



till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above- mentioned order shall not be delayed for purpose of or in the name of verification.

N.K/-

(Harish Kumar, J)

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